

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

<b>BEEF SOURCE INTERNATIONAL, LLC,</b>	§	
	§	
<b>Plaintiff</b>	§	<b>C.A. NO. 2:14-CV-104-J</b>
<b>V.</b>	§	
	§	<b>ADMIRALTY</b>
<b>CERTAIN UNDERWRITERS AT</b>	§	
<b>LLOYD’S LONDON SUBSCRIBING TO</b>	§	
<b>CERTIFICATE NO. BO723144A11-008,</b>	§	
<b>ELITE UNDERWRITERS INC., and</b>	§	
<b>COMPANIA SUD AMERICANA DE</b>	§	
<b>VAPORES S.A.,</b>	§	
	§	
<b>Defendants</b>	§	

**JOINT STATUS REPORT AND MOTION TO CONTINUE DEADLINES AS SET  
FORTH IN THIS COURT’S APRIL 30, 2014 SCHEDULING ORDER**

COMES NOW plaintiff Beef Source International, LLC (“Beef Source”) and defendants Elite Underwriters, Inc. (“Elite”), Certain Underwrites at Lloyd’s London Subscribing to Certificate No. BO723144A11-008 (“Lloyd’s”), and Compania Sud Americana de Vapores S.A. (“CSAV”), and files this, their Joint Status Report and Motion to Continue Deadlines as Set Forth in this Court’s April 30, 2014 Scheduling Order, and would show the Court as follows:

**I. PROCEDURAL BACKGROUND**

This lawsuit was originally filed by plaintiff Beef Source in the 320th District Court of Potter County, Texas and was assigned cause no. 102331-D. In the Original Petition, Beef Source alleges, *inter alia*, that: (1) it suffered damages of over \$200,000.00 arising out of the April 2012 carriage of five containers of beef from the United States to Chile; (2) defendant CSAV was the carrier that transported the beef from the United States to Chile and that CSAV was negligent in performing its duties as carrier, which resulted in damages suffered by Beef

Source; (3) insurance covering losses to the beef was acquired by Magni Enterprises Corporation on behalf of Beef Source from defendant Lloyd's, who issued a policy of insurance through defendant Elite; (4) that the beef arrived in Chile in spoiled and damaged condition and had to be ground, as a result of which Beef Source suffered monetary losses; and (5) on June 19, 2012, Beef Source made a claim under the policy of insurance issued by Lloyd's, but that Lloyd's and Elite failed to pay the claim, which resulted in damages suffered by Beef Source.

On April 28, 2014, CSAV removed this action to this Court on the grounds that this Court has original jurisdiction pursuant to: (1) 28 U.S.C. § 1331 because the allegations contained in the Original Petition show that Beef Source's claims against CSAV arise under and are governed by the Carriage of Goods by Sea Act ("COGSA") codified at 46 U.S.C. § 30701 n.1 (2011), and/or under the federal common law of the United States as it applies to international carriage of goods by ocean; (2) 28 U.S.C. § 1337 because this is a civil case in which certain laws involving commerce are concerned; and (3) 28 U.S.C. § 1332 because the parties named in Beef Source's Original Petition are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest, costs, and attorney's fees.

On May 5, 2014, CSAV filed an Original Answer addressing the allegations contained in the Original Petition and raising certain defenses. On May 22, 2014, Elite filed an Original Answer addressing the allegations contained in the Original Petition and raising certain defenses. On May 23, 2014, CSAV filed a First Amended Answer.

On June 2, 2012, Beef Source filed a First Amended Complaint removing defendant "Underwriters at Lloyd's a/k/a Lloyd's of London" and substituting Lloyd's as a defendant. On June 16, 2012, CSAV filed an Original Answer to the First Amended Complaint. On June 17,

2014, Lloyd's filed an Original Answer to the First Amended Complaint addressing the allegations contained in the First Amended Complaint and raising certain defenses.

## **II. JOINT STATUS REPORT**

On May 20, 2014, counsel for Beef Source, Elite, Lloyd's, and CSAV met and conferred pursuant to Fed. R. Civ. P. 26(f). Of concern to all counsel were the deadlines set forth in the Court's Original Rule 16 Scheduling Order, which was filed on April 30, 2014. Counsel for the Parties believe that these deadlines are too short given the international nature of this lawsuit and the fact that witnesses may be located abroad, including in Chile and the United Kingdom, and/or may be at sea. Furthermore, this case involves technical issues for which experts regarding the transportation of beef *via* ocean carriage and refrigerated cargo may be required. Such experts may be difficult to locate, and in any event, compelling their retention at such an early stage would only increase costs given that this case could be disposed of earlier either through settlement and/or motion practice. Finally, as of the date of this motion, issue remains to be joined as to Lloyd's.

## **III. MOTION TO CONTINUE DEADLINES**

The Court can modify a scheduling order upon a showing of good cause. Fed. R. Civ. P. 16(b)(4). In the instant case, given the forgoing concerns of counsel for the Parties, good cause exists to extend the deadlines contained in the Court's Original Rule 16 Scheduling Order. Accordingly, the Parties respectfully request that this Court issue an amended scheduling order reflecting the following deadlines, which the Parties have agreed to amongst themselves:

Parties to be ready for trial: June 5, 2015

Deadline for Rule 26(a)(1) disclosures: June 3, 2014

Joint status report regarding settlement negotiations: December 15, 2014

Discovery Deadline: March 30, 2015

Plaintiff's written designation of expert witnesses: November 14, 2014

Plaintiff's Rule 26(a)(2) disclosures: January 15, 2015

Defendants' written designation of expert witnesses: December 5, 2014

Defendants' Rule 26(a)(2) disclosures: February 6, 2015

Motions to join parties: October 16, 2014

Motions to amend pleadings: February 27, 2015

Motions for summary judgment: April 17, 2015

All other motions except motions in limine: May 15, 2015

Deadline for filing Rule 26(a)(3) disclosures: May 26, 2015

**WHEREFORE**, Beef Source International, LLC, Elite Underwriters, Inc., Certain Underwrites at Lloyd's London Subscribing to Certificate No. BO723144A11-008, and Compania Sud Americana de Vapores S.A. respectfully request that the Court grant their Agreed Motion to Continue Deadlines and that the attached proposed Order be entered.

Respectfully submitted,

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**\*\*signed by permission**

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